

REMARKS

I. Status of the Claims

Claims 1 – 6 and 8 - 14 are pending in the subject application.

Claims 4 - 6 and 14 are allowed.

Claims 1 - 3 and 8 - 13 are rejected.

In the current response:

Claim 8 - 10 are amended for clarification.

Claim 1 – 3, 12 and 13 are canceled.

No new matter is entered.

Applicants will sequentially address the issues raised by the Examiner.

II. The 35 U.S.C. §112, second paragraph Claim Rejections

A. Claim 8

Claim 8 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the method of treating the “disease characterized as hypertension”. Claim 8 has been amended for further clarification. Amended Claim 8 is drawn toward a method of treating “hypertension”. Supporting descriptions for Claim 8 can be found in line 1 through line 4 of paragraph [0031], in line 6 through line 12 of paragraph [0044] and in line 1 of paragraph [0062] through line 2 of paragraph [0074] of the Specification (Example 4 with Table 1 through Table 4).

B. Claim 9

Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the method of “what is protecting the skin or hair of said subject from” and “what constitutes a protection especially”. Claim 9 has been amended “... protecting skin or hair from senescence... to intensify SOD activity or to reduce MDA level of the skin or hair...” for further clarification. Supporting descriptions for Claim 9 can be found in line 1 through line 3 of paragraph [0032], in line 10 of paragraph [0044] and in line 1 of paragraph [0100] through line 5 of paragraph [0121] of the Specification (Example 6 with Table 9).

C. Claim 10

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the method of treating the “disease characterized as carcinoma”. Claim 10 has been amended “... in vitro inhibiting growth of cancer cells or tumor cells... wherein the cancer cells or tumor cells are selected from the group consisting of P₃₈₈ mouse leukemia cells, A₅₄₉ human lung adenocarcinoma cells, A₃₇₅ human melanoma cells, L₉₂₉ mouse lung epithelial tumor cells, Hela human cervical tumor cells and THP-1 human macrophage tumor cells...” for further clarification. Amended Claim 10 is drawn toward a method of inhibiting growth of cancer cells or tumor cells. Supporting descriptions for Claim 10 can be found in line 5 of paragraph [0031], in line 6 through line 12 of paragraph [0044] and in line 1 of paragraph [0075] through line 4 of paragraph [0099] of the Specification (Example 5 with Table 5 through Table 8, especially Example 5.1.5 (Tables 5 and 6) and Example 5.2.3 (Table 7)).

III. The 35 U.S.C. §112, first paragraph Claim Rejections

Claim 10 and 11 were rejected under 35 U.S.C. §112, first paragraph, as allegedly “as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, ... had possession of the claimed invention. This is a written description rejection.”

Applicants have amended Claim 10. Amended Claim 10 is drawn toward a method of in vitro inhibiting the growth of cancer or tumor cells. Disclosures that support Claim 10 can be found in line 5 of paragraph [0031], in line 6 through line 12 of paragraph [0044] and in line 1 of paragraph [0075] through line 4 of paragraph [0099] of the Specification (Example 5 with Table 5 through Table 8, especially Example 5.1.5 (Tables 5 and 6) and Example 5.2.3 (Table 7)).

Claim 11 is dependent on Claim 10 and is further limit the method of inhibiting the growth of cancer or tumor cells to pentacyclic triterpenoid sapogenins.

IV. The 35 U.S.C. §102/103 Claim Rejections

The Examiner rejected claims 1-3, 12 and 13 under 35 U.S.C. §102(b) as being anticipated by or, under 35 U.S.C. §103(a) as obvious over Ohmoto et al. (Shoyakugaku Zasshi (1974), 28(1), pages 1-6).

In order to advance prosecution of the application, Applicants cancel claims 1-3, 12 and 13 without prejudice or disclaimer.

V. Allowable Subject Matter

The Applicants thank the Examiner for holding that Claims 4 - 6 and 14 to be unobvious over the prior art of record and that Claims 4 - 6 and 14 are allowed.

IX. Conclusion

The applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

In the event that any fee is deemed due for this Response, the commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Remark to Deposit Account No. 502869.

Should the Examiner believe that further discussion of any remaining issue would advance the prosecution, he or she is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

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